



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,818	08/22/2001	Anne O'Malley	03292.101610.	8839
5514 7590 04/02/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
KARMIS, STEFANOS				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
04/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/934,818

**Applicant(s)**

O'MALLEY ET AL.

**Examiner**

STEFANOS KARMIS

**Art Unit**

3693

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following communication is in response to Applicant's Request for Continued Examination filed 10 March 2009.

#### ***Status of Claims***

2. There are no new amendments to the claims. Therefore claims 30-53 are under prosecution.

#### ***Response to Arguments***

3. Applicant's amendment requests the Examiner to consider the remarks in the After Final Amendment submitted 10 February 2009. Examiner notes that these arguments were already considered in the Advisory Action mailed 24 February 2009.
4. Specifically, Applicant argues that the teachings of Rigole in view of Schmid in further view of Erickson fails to teach *soliciting at least one quote from a supplier based on the at least one quote desired by the user; and receiving at least one quote from at least one of the plurality of RFQ providers or the supplier based at least in part on the information related to the at least one quote desired by the user.*

The Examiner respectfully disagrees. Rigole teaches enrolling a user with a plurality of service sectors providers (paragraph 0055). The user could then request information about a specific service (i.e. health insurance) in the particular service sector (i.e. insurance) (paragraph 0055-0057). The service sector provider searches for the best service according to user criteria

and returns to the user a list of services (i.e. health insurance services) based on different user parameters, such as price/quote or service for the user to compare (paragraph 0057). Rigole fails to teach *soliciting at least one quote from a supplier based on the at least one quote desired by the user; and receiving at least one quote from at least one of the plurality of RFQ providers or the supplier based at least in part on the information related to the at least one quote desired by the user.*

Schmid teaches RFQs for loans in which a lender is solicited for a quote based on at least one quote desired by a user (paragraphs 0032-0033; The lender is asked if he/she would like to submit a quote by filling out an RFQ form. The RFQ form contains a preliminary quote along with loan terms the lender would offer).

Erickson also teaches soliciting a quote from a supplier based on at least one quote desired by the user (column 8, lines 28-50 and column 13, lines 60-60; Examiner notes that suppliers receive a broadcast message requesting bid information). Further, Erickson teaches receiving at least one quote from the supplier based at least in part on information related to the at least one quote desired by the user (column 8, lines 28-50 and column 16, line 66 thru column 17, line 21; Suppliers respond with requested information for the requested bid).

For at least these reasons, Rigole in view of Schmid in further view of Erickson teaches *soliciting at least one quote from a supplier based on the at least one quote desired by the user; and receiving at least one quote from at least one of the plurality of RFQ providers or the supplier based at least in part on the information related to the at least one quote desired by the user.* Therefore, Applicant's arguments are not persuasive.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 30-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigole U.S. Publication 2001/0049632 A1 in view of Schmid U.S. Publication 2002/0029188 in further view of Erickson U.S. Patent 6,014,644.

Regarding independent claims 30, 38 and 46, Rigole teaches a method for facilitating a request for quotes (RFQ) comprising:

Receiving user data in an RFQ enrollment system, the user data comprising information related to a user and information related to at least one quote desired by the user (page 4, paragraph 0043, page 5, paragraph 0048 and page 8, paragraph 0072 and Figure 3);

Registering the user, using the information related to the user, with the RFQ enrollment system (page 8, paragraph 0072 and Figure 3 and page 5, paragraph 0048);

Transmitting the user data to the plurality of RFQ providers (page 8, paragraph 0073 and Figure 3 and page 6, paragraph 0057); and

Enrolling the user with the plurality of RFQ providers using the information related to the user (page 8, paragraph 0074 and Figure 3 and page 7, paragraph 0063).

Rigole teaches that the service provider provides a price and other terms of service (page 9, paragraph 0088). Further, Rigole teaches sending RFQ (page 4, paragraph 0043). Rigole fails to expressly teach the price is the response from the request for quote and that the user is enrolled with the RFQ provider, prior to receiving any quotes from the RFQ provider. Schmid teaches a method for obtaining a loan over the Internet (Abstract). Schmid teaches that a user registers with an enrollment system (page 2, paragraphs 0017-0019). The user is then enrolled with RFQ providers that have expressed a willingness to see projects of the type requested by the user (page 2, paragraphs 0021-0023). This is carried out prior to receiving a quote from the RFQ provider (lender) (page 3, paragraph 0031: Examiner notes that the lenders and user are enrolled with one another through system and only select lenders from within their enrollment are selected for possible RFQs).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the price posting and matching teachings of Rigole to specify that enrolling prior to receiving a quote as taught by Schmid because it provides an upfront way of matching potential buyers and sellers likely to transact and thus eliminate quotes from potential sellers who would not likely to be transacted with, thus saving both parties needless communication with unlikely matches. There is further sufficient motivation to combine since both Rigole and Schmid have computer systems designed to bring buyers and service providers together through a quotation means.

Rigole in view of Schmid teaches sending a first notification to the user from the RFQ enrollment system (Rigole: paragraph 0022). Rigole further teaches that the service providers can send communications, such as verifications through the system (paragraph 0029). Rigole

fails to teach that the verification is sent from the supplier directly to the user and profile information is transmitted back directly to the service/RFQ provider without going through the system. Erickson teaches a system and method for facilitating communication between a plurality of buyers and sellers (Abstract). Erickson teaches that buyers provide profile information (column 8, lines 1-27 and column 9, lines 28-37). Erickson teaches communication between users and suppliers through the system, similarly to Rigole (column 7, lines 7-34 and column 11, lines 11-30). However, Erickson also teaches that the communication can be directly from the buyer to the supplier, therefore bypassing the system and providing the profile information directly from the supplier to the buyer (column 7, lines 35-43, column 8, lines 39-50 and Figure 1). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Rigole in view of Schmid for sending enrollment verifications through the system to include the teachings of Erickson which allow for sending profile communications either through the system, but also directly from a user to a supplier, because it provides for supporting the exchange of information between a user and suppliers, especially for communications that may be either trivial, specific to the transaction between the particular supplier and user, or information that the supplier and buyer want to keep confidential.

Claims 31, 39 and 47, Rigole teaches providing a confirmation of the registration to the user with the RFQ enrollment system (page 5, paragraph 0048; Examiner notes customers can access their application through an identifier and thus confirm they are registered).

Claims 32, 40 and 48, Rigole teaches receiving a confirmation of the enrollment of the user with at least one of the plurality of RFQ providers (page 2, paragraph 0022).

Claims 33, 41 and 49, Rigole teaches providing to the user the confirmation of the enrollment of the user with the plurality of RFQ providers (page 2, paragraph 0022).

Claims 34, 42 and 50, Rigole teaches that the service provider provides a price and other terms of service (page 9, paragraph 0088). Further, Rigole teaches sending RFQ (page 4, paragraph 0043). Rigole fails to expressly teach the price is the response from the request for quote. Schmid teaches a computerized quotation method in which members register to send RFQs and receive response quotes from their request (page 3, paragraphs 0031-0032). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the price posting and matching teachings of Rigole to specify that it is the response quote as taught by Schmid because they both reflect the price a service provider is charging for a service requested from a user.

Claims 35, 43 and 51, Rigole teaches billing the user if the user accepts the at least one quote from the at least one of the plurality of RFQ providers (page 6, paragraphs 0059-0060).

Claims 36, 44 and 52, Rigole teaches requesting additional information from the user to be provided to at least one of the plurality of RFQ providers in reply to a request by the at least one plurality of RFQ providers for the additional information (page 9, paragraph 0084 and page



9, paragraph 0092; Examiner notes that the service provider can provide data input fields for the customer to provide additional information above what the customer supplied to the IPCS).

Claims 37, 45 and 53, Rigole teaches receiving information related to the plurality of RFQ providers; and registering the plurality of RFQ providers, using the information related to the plurality of RFQ providers, with the RFQ enrollment system (page 6, paragraph 0056 and page 9, paragraph 0086).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
/Stefanos Karmis/  
Primary Examiner, Art Unit 3693  
25 March 2009